

RAYMOND C. CABALLERO
MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
DECEMBER 18, 2001
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Pastor Louis Pointer, Friendship Baptist Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gifts identified further in Exhibit A:

1. One oil painting by artist John Alexander entitled *Behind the Barn* and one pastel drawing by artist Brian Cobble entitled *Laurel Canyon* offered by Susan and Claude Albritton.
2. One photograph by Richard S. Buswell entitled *Three Ladies: Newspaper-Wallpaper* offered by Richard S. Buswell.
3. Three photographs by artist Sam Peters entitled *Untitled Triptych* offered by Sam Peters.
4. One oil painting by artist Fern Thurston entitled *Flowers from Mrs. H. D. Dyer's Garden* offered by Holly and Sanford Cox.

Ms. Becky Duvall-Reese, Director of Museums, introduced two new Museum of Art staff members: Ms. Marissa Ruiz, from the Smithsonian American Art Museum, and Ben Fife, a native El Pasoan. She thanked the Council Members for accepting these donations and explained that the gifts would be displayed during an exhibition entitled "Burning Desires – Recent Acquisitions 1997-2001", which opens in January, 2002. She noted that in the magazine entitled "Texas Highways" an article was written in regard to the El Paso Museum of Art in the January issue.

Mayor Raymond C. Caballero thanked Ms. Reese for her stellar work and thanked the generous donors for their donations.

17016

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Motion made by Representative Medina, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

*Motion made, seconded and unanimously carried to approve the Minutes for Special City Council Meeting of November 12, 2001 and Regular City Council Meeting of September 4, 2001.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Sixth Amendment to the XII Travelers Commission Agreement between the City of El Paso and John S. Houser to extend the completion date for the Juan de Oñate Statue to December 31, 2003.

Ms. Jody Schwartz, XII Travelers Commission, made comments. Ms. Sandra Braham, XII Travelers Commission, asked that the two-year extension be granted.

Representative Medina made comments.

Motion made by Representative Escobar, seconded by Representative Power and carried to approve the above Resolution. Representative Sariñana voted Nay.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Mutual Lease Termination for the Industrial Site Lease dated August 1, 1992 between the City of El Paso, Texas ("Lessor") and Alamo Rent-A-Car, LLC ("Lessee") and to accept on behalf of the City of El Paso the existing improvements located on the Leased Premises which are municipally known and numbered as 5535 De Havilland, El Paso, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following grant applications on behalf of the Arts Resources Department for submission to the Texas Commission on the Arts ("TCA") and to sign the related contracts and documents should funds be granted, either in the requested amounts or at such lesser amounts as may be approved by the TCA. These grants will be used for the Subgranting/Decentralization, Arts in Education, and Advancement programs for FY 2003. The grant requests and applicable City matching funds are as follows:

- 1. To request and receive \$77,824 to subgrant to local arts organizations through the Subgranting/Decentralization Program for FY 2003. No additional match of City funds is required for this grant.

2. To request and receive \$15,000 to continue to operate the Arts In Education Program for FY 2003. A 1:1 match of City funds is required for the amount of the grant actually awarded.
3. To request and receive \$15,000 to present the Discovery Series for FY 2003. A 1:1 match of City funds is required for the amount of the grant actually awarded.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and accept a Grant Award for the City of El Paso Police Department for a COPS in Schools grant from the U.S. Department of Justice, Office of Community Oriented Policing Services, in the amount of \$490,320.00 for the purpose of deploying four (4) additional School Resource Officers at the Ysleta Independent School District to work in and around schools as part of an overall plan to address crime and related problems through community policing; that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, and any documents to request and accept an extension of the award ending date for the grant; and that the Chief of Police be authorized to sign the COPS in Schools Additional Grant Condition document as the City's chief law enforcement official. No matching funds are required.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a revised grant application, including all assurances and understandings therein, and related documentation for third year funding from the City of El Paso Police Department for a Underage Drinking Initiative Grant, Juvenile Accountability Incentive Block Grant funds, in the amount of \$200,000.00 to the Office of the Governor, Criminal Justice Division, the purpose of continuing efforts of the Police Department in reducing underage drinking through enforcement and public education; and that Lt. Diana Kirk be designated as the official representative of the City in connection with the grant application. Matching funds required in the amount of \$22,222.00.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a sublease agreement by and between the City of El Paso and Cutter Aviation El Paso, Inc., relating to the Non-Commercial Aviation Ground Lease dated June 1, 1994 for the real property located at Lot 28, Block 4, El Paso International Airport Tracts Unit 2, and Lots 29 and 30, Block 4, El Paso International Airport Tracts Unit 1, for the sub-lease of a hangar for use by the Police Department.

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***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN UNDERGROUND AND TRANSFORMER ELECTRICAL EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO MEMPHIS BOOSTER STATION LOCATED NEAR MEMPHIS AVENUE AND SPARKMAN STREET. SAID PROPERTY MORE PARTICULARLY DESCRIBED AS A PORTION OF BLOCK 114, GRANDVIEW ADDITION, EL PASO COUNTY, TEXAS.

WHEREAS, October 24th, 2001, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an underground and transformer electrical easement for the purpose of providing electrical service to Memphis Booster Station located near Memphis Avenue and Sparkman Street in a portion of Block 114, Grandview Addition, El Paso, El Paso County, Texas, and,

WHEREAS, the City Council finds it to be in the public interest to grant an underground and transformer electrical easement for service to an electrical substation; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a document granting an underground and transformer electrical easement to the El Paso Electric Company for the purpose of providing electrical service to Memphis Booster Station located near Memphis Avenue and Sparkman Street. Said property being more particularly described as a portion of Block 114, Grandview Addition, El Paso County, Texas.

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***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN OVERHEAD ELECTRICAL EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO CROWN POINT BOOSTER STATION LOCATED NEAR NORTH MESA STREET AND SHADOW MOUNTAIN DRIVE. SAID PROPERTY MORE PARTICULARLY DESCRIBED AS A PORTION OF LOT 9, CROWN POINT ADDITION REPLAT, EL PASO COUNTY, TEXAS.

WHEREAS, October 24th, 2001, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an overhead electrical easement for the purpose of providing electrical service to Crown Point Booster Station located near North Mesa Street and Shadow Mountain Drive in a portion of Lot 9, Crown Point Addition, El Paso, El Paso County, Texas, and,

WHEREAS, the City Council finds it to be in the public interest to grant an underground and transformer electrical easement for service to an electrical substation; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a document granting an overhead electrical easement to the El Paso Electric Company for the purpose of providing electrical service to Crown Point Booster Station located near North Mesa Street and Shadow Mountain Drive. Said property being more particularly described as a portion of Lot 9, Crown Point Addition Replat, El Paso County, Texas.

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***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN UNDERGROUND AND TRANSFORMER ELECTRICAL EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO THE MESA HILLS TANK SITE LOCATED AT 222 MESA HILLS DRIVE. SAID PROPERTY MORE PARTICULARLY DESCRIBED AS A PORTION OF TRACT 2Y, A. F. MILLER SURVEY NO. 215, EL PASO COUNTY, TEXAS.

WHEREAS, September 26th, 2001, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an underground and transformer electrical easement for the purpose of providing electrical service to the Mesa Hills Tank Site located at 222 Mesa Hills Drive in a portion of Tract 2Y, A. F. Miller Survey No. 215, El Paso, El Paso County, Texas, and,

WHEREAS, the City Council finds it to be in the public interest to grant an underground and transformer electrical easement for service to an electrical substation; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a document granting an underground and transformer electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the Mesa Hills Tank site located at 222 Mesa Hills Drive. Said property being more particularly described as a portion of Tract 2Y, A. F. Miller Survey No. 215, El Paso County, Texas.

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***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN EASEMENT TO THE TOWN OF ANTHONY FOR THE PURPOSE OF THE TOWN OF ANTHONY UPGRADING AND IMPROVING THEIR FACILITIES FOR WATER AND SEWER SERVICES ALONG THE EAST DRAIN NEAR LA TUNA FEDERAL CORRECTIONAL INSTITUTION. SAID PROPERTY MORE PARTICULARLY DESCRIBED AS A PORTION OF TRACTS 6B2C AND 6B8, BLOCK 23, UPPER VALLEY SURVEYS, EL PASO COUNTY, TEXAS.

WHEREAS, June 27, 2001, the El Paso Water Utilities Public Service Board (PSB), passed a resolution requesting the City of El Paso grant a permanent and temporary easement for the purpose of the Town of Anthony upgrading and improving their facilities for water and sewer services located in a portion of Tract 6B2C and 6B8, Block 23, Upper Valley Surveys, El Paso County Texas, and,

WHEREAS, the City Council finds it to be in the public interest that this easement be granted; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a document granting an easement to the Town of Anthony for the purpose of the Town of Anthony upgrading and improving their facilities for water and sewer services along the east drain near La Tuna Federal Correctional Institution. Said property being more particularly described as a portion of Tract 6B2C and 6B8, Block 23, Upper Valley Surveys, El Paso County, Texas.

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***RESOLUTION**

WHEREAS, the Health Facilities Development Act, Chapter 221, Texas Health and Safety Code, as amended (the "Act"), authorizes and empowers Reagan County Health Facilities Development Corporation (the "Issuer") on behalf of Reagan County, Texas (the "Issuing Unit"), to finance health facilities found by the Board of Directors of the Issuer to be required, necessary or convenient for health care, research and education, any one or more, within the State of Texas and furtherance of the public purposes of the Act; and

WHEREAS, Section 221.030(a)(1) of the Act provides that the Issuer may provide for the financing and refinancing of one or more such health facilities located outside the limits of the Issuing Unit with the consent of every city, county and hospital district within which such health facility is or is to be located; and

WHEREAS, the Issuer will finance the expansion of the Centro San Vicente Health Facilities Clinic (the "Health Facilities Project") in a maximum principal amount of \$800,000, for the benefit of Centro San Vicente (the "Obligor"); and

WHEREAS, the Project will be located at the Obligor's facilities within the City of El Paso, Texas (the "City") at 8061 Alameda Avenue in El Paso, Texas, and is located outside the limits of the Issuing Unit.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City hereby consents to the financing by the Reagan County Health Facilities Development Corporation of the expansion of the Centro San Vicente Health Facilities Clinic located at 8061 Alameda Avenue, in a maximum principal amount of \$800,000, as provided by Section 221.030(a)(1) of the Texas Health and Safety Code, and as required by Section 147(f) of the Internal Revenue Code of 1986, approves of this financing to Centro San Vicente; provided, however, that the City shall have no liability in connection with the Health Facilities Project and shall not be required to take any further action with respect thereto.

2. That this Resolution shall take effect immediately from and after its adoption and it is accordingly so ordered.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Right-of-Entry and Release Agreement between the City of El Paso and Ofelia Galvan Sweigart and Donald H. Sweigart, related to the Twenty-Seventh Year (2001-2002) Community Development Carpenter Addition Street and Drainage Project. The property legal description is:

A portion of Tract 27A1, Block 29, Ysleta Grant, in the City of El Paso,
El Paso County, Texas, being more particularly described by metes
and bounds.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Amendment to the Grant Contract awarding a grant to the Planning, Research and Development Department from the Texas Historical Commission, for participation in the FY 2001 Certified Local Government Program by and between the City of El Paso and the Texas Historical Commission, an agency of the State of Texas, extending the term of the Contract and amending performance requirements.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Per the Texas Public Funds Investment Act (Chapter 2256 of the Government Code), the City of El Paso hereby adopts a written investment policy revised from the latest changes in state and local laws.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a First Amendment to an Agreement for Engineering Services between the **City of El Paso** and **Structural Engineering Associates, Inc.**, for a project known as **"Rehabilitation of Stanton Street Bridge and Santa Fe Bridge and Stanton Bridge Toll Facility"** for an

amount not to exceed THIRTY SEVEN THOUSAND NINE HUNDRED FIFTY AND NO/100 DOLLARS (\$37,950.00).

Representative Sumrall asked whether this was a new contract and wondered why the canopy was not included in the original scope of work.

Ms. Irene Ramirez, Assistant Deputy Director– Engineering, responded no, this was an amendment to the contract that the company has with the City currently for the bridge project. She explained that the canopy portion of the project was the TXDOT project that TXDOT was doing to undertake the design and all phases; however, TXDOT has since stated that they were not ready to undertake this. Therefore, the City has asked to undertake this on the City's side of the project, which was initially to make repairs to the bridge structure itself. She explained that the canopy has not been designed; however, the Engineering Department has designed the structural improvements to the bridge surface.

Representative Cobos asked Mr. Ed Drusina, Director of Public Works, whether monies were not already allocated from TXDOT to the City for the canopy.

Mr. Drusina, responded yes the City does have enhancement funds that are dedicated for the canopies. He stated it was originally intended that TXDOT take on the canopies and the Lion's Placita portion.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign an outgoing loan agreement with the Amon Carter Museum in Fort Worth, Texas, for the loan of the oil painting by William McGregor Paxton entitled *The Other Room* for the exhibition "Celebrating America: Masterworks from Texas Collections" scheduled to be on view from September 14 - November 17, 2002. Shipping expenses and insurance are to be paid by Amon Carter Museum.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following rental contract for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event:	Reception
Licensee:	Dynatec Scientific Laboratories, Inc.
Date:	January 7, 2002
Time:	6:00 p.m. - 8:00 p.m.
Charge for Space:	\$500.00
Charge for Staff (est.):	\$240.00
Charge for Insurance:	\$40.00
Area(s):	Cafe

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

WHEREAS, the City's group medical plan manager recommends that the City elect to be exempted from certain requirements of the Health Insurance Portability and Accountability Act of 1996 for the Plan Year beginning January 1, 2002 being:

1. Limitations on pre-existing condition exclusion periods;
2. Special enrollment periods for individuals (and dependents) losing other coverage and special enrollment periods with respect to certain dependent beneficiaries;
3. Prohibitions against discriminating against individual participants and beneficiaries based on health status;
4. Standards relating to benefits for mothers and newborns;
5. Parity in the application of certain limits to mental health benefits; and
6. Benefits relating to women's health and cancer rights;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That City Council hereby elects that its group medical plan be exempted from certain requirements of the Health Insurance Portability and Accountability Act of 1996 for the Plan Year beginning January 1, 2002 and the Mayor is authorized to notify the Health Care Financing Administration.

All Council Members, Chief Financial Officer, Mr. Bill Chapman, and Chief Administrative Officer, Mr. Charlie McNabb made comments.

Motion made by Representative Cook, seconded by Representative Escobar and carried to approve the above Resolution. Representative Rodriguez voted Nay. Representative Medina was not present for the vote.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and City Council accept the recommendation from the Parks & Recreation Department & the Parks and Recreation Advisory Board to rename Sherman (Tiger Eye) Park to JORGE MONTALVO PARK.

Mr. Charlie Nutter, Director, Parks & Recreation Department, explained Mr. Montalvo's co-workers made this request to re-name the park after Mr. Montalvo who died while working on a Parks project. He also stated that the Parks & Recreation Advisory Board granted an exemption to the one-year waiting period.

Representative Cook stated that Mr. Montalvo had resided in the Northeast community and he was very glad the Park will be located in an area where the family lives. He commended the Advisory Board and the Parks & Recreation Department employees for their dedication to the parks throughout the City.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Representative Medina was not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and City Council accept the recommendation from the Parks & Recreation Department & the Parks and Recreation Advisory Board to rename the park located at 316 Leon Street, EL PASO FIREFIGHTERS MEMORIAL PARK. (Rescind Resolution dated 11/28/00).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

CAROLINA RECREATON CENTER
NO. 51510073, SUB-OBJECT 502215

- . CONTRACTOR: Julio Beltran, Sports Scorekeeper
- DATES: December 26, 2001, thru May 31, 2002
- RATE PER GM: \$5.25
- MAXIMUM AMT: \$588.00
- CONTRACT: 2001/2002-098

CAROLINA RECREATON CENTER
NO. 51510073, SUB-OBJECT 502214

- 2. CONTRACTOR: Irene Perez, Country Western Dance Instructor
- DATES: January 12, 2002, thru May 26, 2002
- RATE PER CL: \$12.80
- MAXIMUM AMT: \$384.00
- CONTRACT: 2001/2002-099

CAROLINA RECREATON CENTER
NO. 51510073, SUB-OBJECT 502215

- 3. CONTRACTOR: Daniel Dallas Puente, Basketball Referee
 - DATES: March 1, 2002, thru May 31, 2002
 - RATE PER GM: \$8.00
 - MAXIMUM AMT: \$416.00
 - CONTRACT: 2001/2002-100
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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**ACOSTA SPORTS CENTER
NO. 51010215, SUB-OBJECT 502215**

1. CONTRACTOR: Texas Amateur Softball Association, Officials Softball (Coed/Men)
DATES: January 1, 2002, thru March 30, 2002
RATE PER GM: \$16.00
MAXIMUM AMT: \$800.00
CONTRACT: 2001/2002-086

**YOUTH IN FINE ARTS - SUN COUNTRY
NO. 150056, 7127CD, GRANT DETAIL, 0005, SUB-OBJECT 502215**

2. CONTRACTOR: George G. Adams, Fine Arts Instructor
DATES: January 1, 2002, thru May 31, 2002
RATE PER CL: \$20.00
MAXIMUM AMT: \$1,500.00
CONTRACT: 2001/2002-087
3. CONTRACTOR: John W. Mackenzie, Fine Arts Instructor
DATES: December 15, 2001, thru May 31, 2002
RATE PER CL: \$20.00
MAXIMUM AMT: \$2,000.00
CONTRACT: 2001/2002-088
4. CONTRACTOR: Nathaniel J. Martin, Fine Arts Instructor
DATES: January 1, 2002, thru April 30, 2002
RATE PER GM: \$20.00
MAXIMUM AMT: \$2,000.00
CONTRACT: 2001/2002-089
5. CONTRACTOR: Norma Ponce-Gomez, Fine Arts Instructor
DATES: January 1, 2002, thru May 31, 2002
RATE PER CL: \$20.00
MAXIMUM AMT: \$2,000.00
CONTRACT: 2001/2002-090

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**ACOSTA SPORTS CENTER
NO. 51010215, SUB-OBJECT 502215**

1. CONTRACTOR: El Paso Umpires Association, Umpires Softball (Men/Women)
DATES: January 1, 2002, thru March 30, 2002
RATE PER GM: \$11.00
MAXIMUM AMT: \$3,300.00
CONTRACT: 2001/2002-091
2. CONTRACTOR: El Paso Umpires Association, Youth Basketball Officials
DATES: December 16, 2001, thru March 15, 2002
RATE PER GM: \$39.00
MAXIMUM AMT: \$26,520.00
CONTRACT: 2001/2002-092

This was revised to read: CONTRACTOR: El Paso Umpires Association, Youth Basketball Officials
rather than CONTRACTOR: El Paso Umpires Association, Umpires Softball (Men/Women)

3. CONTRACTOR: Esteban Raya, Jr., Supervisor Men'/Women's Softball
DATES: January 1, 2002, thru March 30, 2002
RATE PER GM: \$10.25
MAXIMUM AMT: \$1,025.00
CONTRACT: 2001/2002-093
4. CONTRACTOR: Nancy Jackson, League Supervisor Coed Softball
DATES: January 1, 2002, thru March 30, 2002
RATE PER GM: \$11.00
MAXIMUM AMT: \$1,100.00
CONTRACT: 2001/2002-094
5. CONTRACTOR: Sun City Officials Association, Officials Youth Basketball
DATES: December 16, 2001, thru March 15, 2002
RATE PER GM: \$39.00
MAXIMUM AMT: \$9,750.00
CONTRACT: 2001/2002-095

**EASTSIDE SENIOR CENTER
NO. 51510404, SUB-OBJECT 502214**

6. CONTRACTOR: Raul Hernandez, Country Western Dance Instructor
DATES: January 2, 2002, thru August 28, 2002
RATE PER CL: \$20.00
MAXIMUM AMT: \$700.00
CONTRACT: 2001/2002-096

**MEMORIAL PARK SENIOR CENTER
NO. 51510164, SUB-OBJECT 502215**

7. CONTRACTOR: Javier A. Garcia, Painting Technique Instructor
DATES: March 7, 2002, thru August 29, 2002
RATE PER CL: \$18.00

MAXIMUM AMT: \$468.00
CONTRACT: 2001/2002-097

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2001-2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**GALATZAN RECREATION CENTER
NO. 51510131, SUB-OBJECT 501011**

1. CONTRACTOR: Patricia Cardenas, Day Care Instructor, Step 4
DATES: March 1, 2002, thru August 31, 2002
RATES PER HR: \$7.20
CONTRACT NO: 2001/2002-161
2. CONTRACTOR: Gabriela Chavez, Day Care Instructor, Step 2
DATES: March 1, 2002, thru August 31, 2002
RATES PER HR: \$6.70
CONTRACT NO: 2001/2002-162
3. CONTRACTOR: Claudia Garcia, Day Care Assistant Instructor, Step 5
DATES: March 1, 2002, thru August 31, 2002
RATES PER HR: \$6.90
CONTRACT NO: 2001/2002-163
4. CONTRACTOR: Yolanda Cuellar, Day Care Instructor Aide, Step 1
DATES: March 1, 2002, thru August 31, 2002
RATES PER HR: \$5.35
CONTRACT NO: 2001/2002-164
5. CONTRACTOR: Virginia Martinez Mata, Day Care Instructor, Step 6
DATES: March 1, 2002, thru August 31, 2002
RATES PER HR: \$7.70
CONTRACT NO: 2001/2002-165
6. CONTRACTOR: Elizabeth Moore, Day Care Instructor, Step 6
DATES: March 1, 2002, thru August 31, 2002
RATES PER HR: \$7.70
CONTRACT NO: 2001/2002-166
7. CONTRACTOR: Juanita Ramirez, Day Care Instructor, Step 5
DATES: March 1, 2002, thru August 31, 2002
RATES PER HR: \$7.45
CONTRACT NO: 2001/2002-167
8. CONTRACTOR: Rosa Revilla, Day Care Assistant Instructor, Step 6
DATES: March 1, 2002, thru August 31, 2002
RATES PER HR: \$7.15

CONTRACT NO: 2001/2002-168

9. CONTRACTOR: Carolyn J. Tromer, Day Care Instructor, Step 6
DATES: March 1, 2002, thru August 31, 2002
RATES PER HR: \$9.25
CONTRACT NO: 2001/2002-169

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Graduate Intern Employment Contract between the **CITY OF EL PASO** and **GRACIA M. SANDOVAL**, as a Graduate Intern for the Economic Development Department at the rate of \$8.25 per hour, up to 40 hours per week. The term of the contract is from December 19, 2001 through December 18, 2002.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Second Amendment to the Personal Services Contract between the **CITY OF EL PASO** and **ALVARO (AL) MARTINEZ, JR.**, as a Web Site Administrator for the Information Services Department to correct Employee's Social Security number and home address.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign two-year Personal Services Contracts in accordance with CSC Charter Article VI, Section 6.6-5, paragraph F, between the City and the following contractors:

1. Edward Thompson, Information Services Department, at a biweekly salary of \$1,769.23, to perform duties of PC/LAN Specialist III
2. David R. Kelley, Information Services Department, at a biweekly salary of \$1,692.31, to perform duties of Data Base Administrator
3. Stephen Wojciechowski, Jr., Information Services Department, at a biweekly salary of \$1,696.00, to perform duties of Network Administrator

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and Amy Conrad, Society for Creative Anachronism, to present a program with exhibits of medieval arts and sciences at the Westside Branch Library on January 19, 2002. There is no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and **KENNETH JACK MUNCY** for the El Paso Public Library. There is no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and the following volunteers for the Armijo Branch Library. There is no cost to the City.

**LAURENCE CHIU
ERNESTO MENDOZA
NANCY RIVAS
BASHAR IBRAHIM
DAVID R. RAMIREZ
MARIA S. RODRIGUEZ
MARIO ORTIA
VICTOR H. PONCE
MARIA G. CAMILLO**

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Personal Services Contracts for Independent Contractors between the **CITY OF EL PASO** and **MARIE LIVINGSTON** and **MARGARITA CABRERA** to aid in teaching the *Neighborhood Kids Program* for the El Paso Museum of Art at the rate of \$15.00 per hour, not to exceed 20 hours per week. The contract period shall be from December 19, 2001 through May 31, 2002.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Undergraduate Intern Employment Contract between the **CITY OF EL PASO** and **TAMIKA BURROUGHS**, as an Undergraduate Intern for the Office of Management and Budget at the rate of \$7.25 per hour, up to 40 hours per week. The term of the contract is from December 19, 2001 through December 18, 2002.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Volunteer Services Agreements between the City of El Paso and the following as Disabled-Parking Enforcement Volunteers. These agreements do not require or obligate any City funds.

- 1. EDWARD CARPENTER**
- 2. HENRY DINGEE**

3. ROBERT KANE
4. ANASTACIO LUJAN
5. ARLIS SIMMONS
6. CAROLYN SIMMONS
7. WARD THORP
8. CLARA WALKER

.....

Motion made, seconded and unanimously carried to move to the Regular Agenda the Resolution that the Mayor be authorized to sign a Consulting Services Contract, Independent Contractor, between the **CITY OF EL PASO** and **WILLIAM E. KIRCHHOFF** to assist in drafting and developing a vision statement and long term plans in support of the vision statement and prepare a comprehensive report detailing the plan for the El Paso Police Department at the rate of \$65.00 per hour, not to exceed 30 hours per week on an as needed basis. The total amount of the contract shall not exceed \$6,500.00. The Contract period shall be from December 19, 2001 through June 18, 2002.

Representative Sumrall asked why the Police Department needed this consultant and commented on a previous audit that was done within the Police Department.

Captain Roy Davis, El Paso Police Department, explained that the Police Department was looking to add objectivity in the strategic plans and that Mr. Kirchhoff was an expert in vision and implementation of plan.

Chief Carlos Leon, Police Chief, El Paso Police Department, commented on the Police Department's compilation of its strategic plan and explained that Mr. Kirchhoff is a retired City Manager from Texas City, Texas, who would add insight to the Police Department's strategic plan.

Representative Cook agreed with Representative Sumrall's comments and noted that he had reviewed the DGM Maximus Report and compared the DGM Report to a report composed from within the Police Department. He noted that the DGM Maximus Report and the Police Department's report had compiled the same results, more or less.

A motion was made by Representative Power, seconded by Representative Sumrall to deny. No action was taken.

Chief Administrative Officer, Mr. Charlie McNabb, asked that the item be postponed one week.

Mr. Theard, citizen, asked whether the Personnel Department should not have asked for other applicants.

Ms. Rita Rodriguez, City Attorney, responded that this was a Personnel contract and was below the required amount for procurement.

Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to postpone to December 24, 2001 the Resolution that the Mayor be authorized to sign a Consulting Services Contract, Independent Contractor, between the **CITY OF EL PASO** and **WILLIAM E. KIRCHHOFF** to assist in drafting and developing a vision statement and long term plans in support of the vision statement and prepare a comprehensive report detailing the plan for the El Paso Police Department at the rate of \$65.00 per hour, not to exceed 30 hours per week on an as needed basis. The total amount of the contract shall not exceed \$6,500.00. The Contract period shall be from December 19, 2001 through June 18, 2002.

Representative Escobar was not present for the vote and Representative Sariñana abstained.

.....

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract for an Independent Contractor between the **CITY OF EL PASO** and **SUSAN AUSTIN**, to perform the duties of a Grants Writer at an annual salary of \$31,000.00. The contract period shall be from January 7, 2002 through January 6, 2003 and this contract is subject to the approval of the City's Civil Service Commission.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **CHARLENE THOMASSON WOODSELL** as an Underage Drinking Initiative Coordinator for the Police Department at the rate of \$16.83 per hour, not to exceed 40 hours per week. The total amount of the contract shall not exceed \$35,000.00 and the term of the contract shall be for the period of December 19, 2001 through November 30, 2002. This contract is subject to the approval of the City's Civil Service Commission.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Fifth Amendment To State Use Contract - Contract for Cleaning Services with Texas Industries for the Blind and Handicapped and Professional Contract Services, Inc., pertaining to cleaning services at the El Paso International Airport..

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Consent to Assignment from Dover Elevator Company to ThyssenKrupp Elevator with respect to the City of El Paso's Contract No. 98-0445 to provide Elevator/Escalator Maintenance at the El Paso International Airport.

*Motion made, seconded and unanimously carried to postpone to December 24, 2001 the Request that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: North Hills Unit Nineteen
Owner/Developer: E. P. Northeast Hills I, LTD.
Consultant: Conde, Inc.

Street Improvements:

Loma Taurina Drive - from Loma Del Norte Drive to Loma Del Sol Drive, including cul-de-sac in front of Lot 35, Block 9, and cul-de-sac in front of Lot 17, Block 49
Loma Del Sol Drive - from the south-westerly property line of Lot 4, Block 10 to the north-westerly property line of Lot 7, Block 10

Antonio Santos Way - from Loma Taurina Drive to the end of the cul-de-sac in front of Lot 41, Block 9
Loma Isla Way - from Loma Taurina Drive to end of the cul-de-sac in front of Lot 10, Block 49

Drainage Improvements:

Loma Taurina Dr. and Loma Del Sol Dr. - 2-2 Grate Drop Inlets Type I; 35.0 ft. of 24.0" R.C.P.; 3-Junction Boxes/72.0" Manholes; and 243.0 ft. of 36.0" R.C.P.

.....
*Motion made, seconded and unanimously carried to postpone to December 24, 2001 the Request that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: North Hills Unit Eighteen
Owner/Developer: E. P. Northeast Hills I, LTD.
Consultant: Conde Inc.

Street Improvements:

Loma Del Norte Drive - from the south-westerly property line of Lot 23, Block 48, to the north-westerly property line of Lot 48, Block 45
Loma Del Sol Drive - from the south-easterly property line of Lot 1, Block 48 to Loma Clara Court
Loma Diamante Drive - from Loma Del Norte Drive to Loma Del Sol Drive
Loma Clara Court - from Loma Del Norte Drive to the south-easterly property line of Lot 2, Block 45
Loma Crystal Place - from Loma Clara Court to the north-easterly property line of Lot 38, Block 45

Drainage Improvements:

15 ft. Drainage Easement - within Lots 19, 20, 21, 22, 23, and 24, Block 10; 329.74 ft. of 42.0" R.C.P.; 1-Junction Box/72.0" Manhole; 69.25 ft. of 2-30.0" R.C.P.; and 1 - Connecting Junction Box

.....
*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to issue a Purchase Order to Stryker EMS as they are the manufacturer and the sole provider of the Stryker MX-PRO r3 Rugged Ambulance Cot. (2002-069)

Award amount is \$65,142.00 (Less Trade-In Amount of \$6,600.00)
Funds available in: 508012-27503-40102010-540010CTY - Capital Acquisition Fund
Department: Fire

.....
*Motion made, seconded and unanimously carried to approve the request from Atanacio L. Carrillo, of the Solid Waste Management Department for Special Sick Leave.

.....
*Motion made, seconded and unanimously carried to approve the request to fill the position(s) on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Park Area Supervisor (1)

.....
*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Auto Technician II (2)
- B. Cashier Clerk (1)

C. Refuse Collection Division Supervisor (1)

.....
*Motion made, seconded and unanimously carried to appoint William H. Rogers, M.D., to the El Pas Mountain Committee by Representative Sumrall.
.....

*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light(s) at the following location(s):

- | | |
|--|---------------------|
| A. Between 8925 & 8921 Norton St | Cost: \$899.00 |
| B. NW Corner of 3831 Savannah Ave | Cost: \$899.00 |
| C. Alley behind 3605 & 3609 Bisbee Ave | Est. cost: \$464.00 |
| D. SE Corner of Golden Springs off Silver Springs | Cost: \$1,398.00 |
-

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A.** PID #'s H012-999-0020-8300, S171-999-0060-2300, S237-999-0570-5100, V897-999-0130-0900, \$971.64 per month installments on a balance of \$5,829.34 for 2000 taxes; Robert & Daniel Arellano – 7519 Adobe, 7752 Tuscarora Ave., 3305 Dungarvan & 11416 Bob Mitchell Dr.
 - B.** PID #T281-999-0080-7800, \$428.74 per month installments on a balance of \$3,429.92 for 2000 taxes Arnold J. Jr. & Toni M. Tavizon – 5716 Bonnevillle Ln.
 - C.** PID #E222-999-1720-9100, \$290.12 per month installments on a balance of \$3,481.44 for 1999 & 2000 taxes; Jason A. Barreras – 3113 Gourd.
 - D.** PID #M301-000-0010-0400, \$226.65 per month installments on a balance of \$2,719.80 for 1995, 1996, 1997, 1999 & 2000 taxes; Arturo & Alma D. Gasca – 3655 Desert Meadows.
 - E.** PID #R265-999-0010-0400, \$708.75 per month installments on a balance of \$4,252.50 for 2000 taxes; Omar Gonzalez, MD PA – 1015 N Zaragosa.
 - F.** PID #E054-999-0360-5500, \$226.62 per month installments on a balance of \$5,438.88 for 1998, 1999 & 2000 taxes; Diane F. Flores & Mike Franco – 2317 Sea Palm Dr.
-

*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A.** Transamerica Real Estate Tax Service, in the amount of \$1,321.81, overpayment of 1998 taxes. (PID #A451-999-000H-4100)
 - B.** Lone Star Title, in the amount of \$2,385.83, overpayment of 2001 taxes. (PID #C976-999-0010-1900)
 - C.** Lone Star, Inc., in the amount of \$2,124.86 overpayment of 2001 taxes. (PID M4771-999-0260-2300)
 - D.** Luis & Mercedes Tarango, in the amount of \$2,352.01, overpayment of 2000 taxes. (P324-999-0430-0900)
 - E.** Transamerica Real Estate Tax Service, in the amount of \$983.72 overpayment of 1999 taxes. (PID #V655-999-0010-0390)
 - F.** Wells Fargo Real Estate Service, in the amount of \$1,998.45 overpayment of 2000 taxes. (PID #V893-999-4930-1500)
 - G.** Principal Residential Mortgage, Inc., in the amount of \$1,700.93 overpayment of 2000 taxes. (PID #V897-999-0260-0500)
-

*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to exercise the City's option to purchase additional quantities pursuant to the terms of Contract No. 2001-213 for Sweepers with STM Equipment.

Department: Street Department

Funds Available: 04250203-508029-PMB0003130 (\$303,130.00)
04250201-508029-PMB0002130 (\$60,000.00)
04102009-508029-P540009 (\$91,565.00)

Funding Source: FY2002 Certificates of Obligation
FY2001 Certificates of Obligation
FY1999 Certificates of Obligation

Item: 1 (3 each)

Vendor Options: 5 Year Extended Warranty on: Sweeper and Tank, Basic Vehicle
Engine, Drivetrain, Auxiliary Engine

Award Amount: \$454,695.00

NOTE: Motion was revised from:

Funds Available 04102008-508029-P54008 to 04102009-508029-P540009; and
Funding Source: FY1998 Certificates of Obligation to FY1999 Certificates of Obligation

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda Change Order No. 2 (Construction Change) to J.D. Abrams, L.P., for "Air Cargo Ramp # 4 & Extension of Taxiway "K" for an increased amount of \$342,000.00. An additional 9,500 square yards of cement treated base course is needed to complete project as designed.

Representative Power stated this was human error and that the contractor should pay.

Ms. Rita Rodriguez, City Attorney, stated that she would offer legal advice during Executive Session regarding any claims or lawsuit.

Representative Cook questioned whether it would be feasible to instruct the contractor to complete the project and not add the additional 9,500 square yards of concrete, would it jeopardize the runway extension project.

Mr. Byron Johnson, Director of Purchasing, stated the project could not be completed without the additional yards of concrete and that the City would only be paying the unit price of concrete put into place. He explained that the sub-consultant with the architect did miss a digit on the bid form.

Mr. Charlie McNabb, Chief Administrative Officer, explained that several individuals were responsible for the error. He went on to state if the City is damaged by the error, the City Attorney's office has been asked to study this and give a recommendation. He stated that he asked Mr. Johnson to contact all the bidders, explain the error and invite them to a post-bid meeting to discuss a change order; these actions had never been demonstrated before. He added, incidentally, none of the bidders were present at the meeting.

Representative Sumrall asked whether errors and omissions were included in the contract.

Mr. Johnson explained that since this was a construction contract, no errors or omissions were included; however, in the architect and engineering contract that provided the drawing and specifications the insurance is included.

Representative Medina remarked that he did have some legal questions; however, if Council approved the Change Order would the City continue to investigate who was at fault.

Mr. Johnson noted that the Mayor and CAO had already directed the Purchasing Department to determine fault.

Representative Sariñana stated that the City would cause damage if the change order was not approved.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve Change Order No. 2 (Construction Change) to J.D. Abrams, L.P., for "Air Cargo Ramp # 4 & Extension of Taxiway "K" for an increased amount of \$342,000.00. An additional 9,500 square yards of cement treated base course is needed to complete project as designed.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2001-056, 31 Yard Automated Side Load Refuse Trucks

Award to: Dallas Peterbilt, LP
Irving, TX
Item(s): A3 - Ten (10) Each
Optional Item(s): O1, O6, O9, O10 - Ten (10) Each
Vendor Options: Ten (10) Each
Battery Disconnect Switch @ \$69.00 Each
Solid State Flasher @ \$25.00 Each
Diamond Tread Plate Floor Rubber Mat @ \$20.00 Each
Amount: \$1,556,980.00

Department: Solid Waste Management
Funds Available: 508006-27252-04250203-PMB0003160
Funding Source: FY2002 Certificates of Obligation
Total Award: \$1,556,980.00

NOTES:

Recommended vendor submitted five (5) separate offers. "Bid No. 1 of 5", consisting of a Peterbilt 320 Cab & Chassis, with a McNeilus 31 yd. Autoreach side loader body, is being recommended for award.

Item 1 for ten units has been awarded by City Council. This award is for Item A3 which is for "Additional Units to be Purchased at a Later Date."

The Solid Waste, Equipment Maintenance, and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase ten (10) 31 Yard Automated Side Load Refuse Trucks. There is no option to purchase additional quantities. No prompt payment discount is offered.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2001-191 Automated Handling System

Award to: Toter Incorporated
Statesville, NC
Item(s): 1B and 2B
Amount: \$2,265,000.00

Department: Solid Waste Management
Funds Available: 508008-04250201-27252-PMB0003160
Funding Source: FY2002 Certificates of Obligation
Total Award: \$2,265,000.00

NOTE: Items 1 and 2 for 30,000 containers and 3,000 Heavy Weight has been awarded by City Council. This award is for Items 1B and 2B which is for "Additional Containers to be Purchased at a Later Date."

Purchasing and the Department of Solid Waste Management recommend award as indicated to the lowest responsive offer meeting specifications from responsible parties. A lower bid was received for Item 2 but did not meet specifications as detailed in the backup.

This is a fixed price, single [one-time] contract to purchase 45,000 Automated Handling System Refuse Containers and 5,000 Heavy Weight Containers. There is no option to additional quantities. No prompt payment discount is offered.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-037 Airport Elevator & Escalator Maintenance

Award to: Permian Elevator Corporation
El Paso, TX
Item(s): All
Amount: \$55,105.00 (Estimated annually)

Department: Department of Aviation
Funds Available: 62620003-503121
Funding Source: Airport Operating Fund
Total Award: \$55,105.00 (Estimated annually)

The Department of Aviation and the Purchasing Department recommend award as indicated. They are the low, responsive, and responsible bidder meeting specifications.

This is a twenty-four (24) month Contract, consisting of Services and a Parts Price List (Requirements), for the maintenance of elevators and escalators at the El Paso International Airport. The contract is divided into two parts: Part I is a fixed monthly price for preventive maintenance and ordinary wear and tear repair, Certificates and Test reports, and Permits and Inspections. Part II is for time and materials to be used as needed for repairs other than ordinary wear and tear.

The Contract will officially begin at 12:01 a.m., February 5, 2002.

Vendor offers the City the option of extending the term of the contract for twelve (12) or twenty-four (24) additional months at the same unit prices, if the option is exercised within one (1) year or two (2) years from the date of award of the contract.

Vendor does not offer a prompt payment discount.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-051 Firefighting Chemicals

Award to: Vendor (1) Chemguard, Inc
Mansfield, TX
Item(s): 1-4 and 6, 7, 9, & 10
Amount: \$26,120.00 (estimated)

Award to: Vendor (2) Daco Fire & Safety
Lubbock, TX
Item(s): 5
Amount: \$7,785.00 (estimated)

Department: Fire
Funds Available: 503112-22004
Funding Source: General Funds - Clinical/Medical Supplies
Total Award: \$33,905.00 (estimated)

Fire Department and Purchasing recommend awards as indicated as these vendor's are the responsible and responsive bidders meeting specifications. This is a 24 month contract and all bidder's mentioned above offered the option to extend the term of the contract for a third (3rd) year.

Nova Safety Products, low bid on item #5 withdrew their bid due to an error in pricing. Item #8 is deleted from solicitation.

.....
*Motion made, seconded and unanimously carried to award Bid No. 002-042 Wilderness Park Museum HVAC Retrofit

Contractor: Trojan Heating & Air Conditioning
El Paso, TX
Department: Museum (Wilderness Park Museum)
Funds Available: 31250102/54100/PPW0032001/27176/508027
Funding Source: FY 2000 COs
Items: Base Bid \$49,500.00
Total Award: \$49,500.00

The Purchasing and Museum Departments recommend the award of this contract to Trojan Heating & Air Conditioning, the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-048 Maintenance Uninterrupted Power Supply Equipment

Award to: Power Maintenance International Inc.
Mesquite, TX
Item(s): All
Amount: \$9,957.96

Department: Public Works, Building Maintenance
Funds available: 319012-502226
Funding source: General Funds, Building Maintenance
Total Award: \$11,922.00

Public Works Department and Purchasing recommend awards as indicated as this vendor is the responsible and responsive bidder meeting specifications.

This is a twenty - four (24) month contract with the bidder offering the option to extend the term of this contract for one additional year.

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-145 POLICE
This transfer will establish the confiscated fund budget for the Treasury account for FY2002.

Increase	\$24,000	to	21150060/P50023316372/405065	Misc N/Op Rev
Increase	\$20,000	to	21150060/P50023316372/508006	Vehicles
Increase	\$ 4,000	to	21150060/P50023316372/508007	Pub Safety Eq

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-146 POLICE
This transfer will establish the FY2002 Budget for confiscated funds awarded by the State.

Increase	\$445,345	to	21150060/P50023216411/405065	Misc N/Op Rev
Increase	\$ 35,000	to	21150060/P50023216411/501011	PT Temp
Increase	\$ 20,000	to	21150060/P50023216411/502116	Prom Svs
Increase	\$ 3,000	to	21150060/P50023216411/502215	Outside ContNOC
Increase	\$ 42,000	to	21150060/P50023216411/502408	Vehicle Lse
Increase	\$ 35,000	to	21150060/P50023216411/503009	Aviation Fuel
Increase	\$ 85,000	to	21150060/P50023216411/503106	Undercover Sup
Increase	\$ 1,600	to	21150060/P50023216411/503120	Uniforms
Increase	\$ 30,000	to	21150060/P50023216411/503122	Maint Sup
Increase	\$ 18,000	to	21150060/P50023216411/504002	Paging Svcs
Increase	\$ 35,000	to	21150060/P50023216411/508006	Vehicles
Increase	\$110,745	to	21150060/P50023216411/508007	Pub Safety Eq
Increase	\$ 25,000	to	21150060/P50023216411/508008	Maj Off Eq
Increase	\$ 5,000	to	21150060/P50023216411/508010	Data Proc

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-147 POLICE
This transfer will establish the FY2002 Budget for confiscated funds awarded by the Federal Government.

Increase	\$956,675	to	21150060/P50023116371/405065	Misc N/Op Rev
Increase	\$ 25,000	to	21150060/P50023116371/501011	PT Temp
Increase	\$ 93,000	to	21150060/P50023116371/502215	Outside Cont
Increase	\$ 25,000	to	21150060/P50023116371/503009	Ammunition
Increase	\$ 3,500	to	21150060/P50023116371/503120	Uniforms
Increase	\$475,675	to	21150060/P50023116371/506000	Grant Match
Increase	\$135,500	to	21150060/P50023116371/508007	Pub Safety Eq
Increase	\$ 50,000	to	21150060/P50023116371/508008	Maj Off Eq
Increase	\$ 61,000	to	21150060/P50023116371/508010	Data Proc
Increase	\$ 88,000	to	21150060/P50023116371/508035	Comm Equip

*Motion made, seconded and unanimously carried to approve the following Building Services - refunds:

- A. Building permit refund to Enrique Beniquez Nieves in the amount of \$60.00.
- B. Zoning board application refund to Fortune Custom Home in the amount of \$340.00.
- C. Temporary placement permit refund to Rosario Montano in the amount of \$30.00.
- D. Temporary placement permit refund to Rosario Montano in the amount of \$30.00.

*Motion made, seconded and unanimously carried to approve the request of Citizens for Family Values to hold a community awareness walk on December 22, 2001 from 4:00 p.m. to 5:30 p.m. Route: Sidewalk at 10662 Vista Del Sol Drive and Spirit of Life Church parking lot. Approximately 40 persons will participate
PERMIT NO. 01-174

.....
Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to move the following ordinance to the beginning of the agenda:

Representatives Sumrall and Cobos were not present for the vote.

ORDINANCE 14993

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF APPROXIMATELY \$88,780,000 CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 2001A; APPROVING AN ESCROW AGREEMENT; APPROVING AN OFFICIAL STATEMENT; AND ENACTING PROVISIONS INCIDENT AND RELATED THERETO**

Mr. Ed Archuleta, General Manager El Paso Water Utility and Public Service Board, remarked that the bonds were for three purposes: 1. to refund bonds which were outstanding and could be refunded; 2. to issue bonds of commercial paper; and 3. to issue new bonds for projects anticipated over the next two years. He stated that due to fluctuations in the stock market the approximate amount has been changed to \$88,780,000.00 to include only a part of the refunding, all of the commercial paper and all the new projects. He stated that the total amount of true interest cost of the quality bonds would be 5.3127571%.

Mr. Steve Adamson, First Southwest Company, recommended the award of the bonds to an underwriting team.

Representative Sariñana questioned the public hearing to be held on January 3, 2002 for the additional \$7,520,000.00.

Mr. Adamson explained that these particular bonds were being sold to the Texas Water Development Board and the Texas Water Development Board funds certain projects on a statewide priority list.

Mr. Norman Gordon, attorney, explained that the Ordinance would need to be amended to reflect the \$88,780,000.00 instead of the \$114,605,000 as listed on the agenda.

Motion duly made by Representative Cook, seconded by Representative Sumrall, that the Ordinance be adopted as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

- AYES: Council Members Sumrall, Medina, Cook, Power, Escobar, Sariñana and Cobos
- NAYS: None Absent: None
- ABSTAIN: Council Member Rodriguez

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....

ORDINANCE 14994

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A RENEWAL OF THE FRANCHISE FOR LIFE AMBULANCE SERVICE, INC. TO OPERATE A NON-EMERGENCY AMBULANCE TRANSFER SERVICE.**

Motion duly made by Representative Cook, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14995

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A QUITCLAIM DEED CONVEYING TO PROJECT BRAVO, INC., A PARCEL OF LAND ADDRESSED AS 600 NINO AGUILERA STREET AND LOCATED AT THE SOUTHWEST CORNER OF COTTON AND FOURTH STREETS, CONSISTING OF 8,657 SQUARE FEET AND BEING LOTS 11-13, BLOCK 51, MAGOFFIN'S ADDITION, EL PASO, EL PASO COUNTY, TEXAS.**

Representative Sumrall asked the amount of acreage for the site.
Ms. Patricia Aauto, Director of Planning, responded 1/5 th of an acre.

Motion duly made by Representative Cobos, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to move the following ordinance to the beginning of the agenda:

ORDINANCE 14996

AN ORDINANCE CREATING TAX INCREMENT FINANCING DISTRICT NUMBER TWO (NO. 2), CITY OF EL PASO; MAKING FINDINGS OF FACT CONCERNING THE CONDITIONS OF BLIGHT, RESIDENTIAL PROPERTY AND ASSESSED VALUATION WITHIN SAID DISTRICT; CREATING A TAX INCREMENT DISTRICT BOARD OF DIRECTORS AND DEFINING THE POWERS, DUTIES AND TERMS OF OFFICE THEREOF; PROVIDING FOR SUBMISSION OF A PLAN OF IMPROVEMENTS FOR SAID DISTRICT; PROVIDING FOR DUTIES OF THE TAX ASSESSOR; SETTING THE BOUNDARIES FOR SAID DISTRICT; AND PROVIDING A SEVERABILITY CLAUSE.

Mayor Raymond C. Caballero explained that Drs. McGee and De La Rosa would be available to answer questions.

Representative Cook asked why Dr. McGee would like the discussion on the Ordinance to be moved to forward.

Dr. McGee explained that due to time constraints regarding related matters to the Tax Increment Financing District he would like to see the item moved forward.

Mayor Caballero explained that TIF No. 2 was commonly referred to as BHI (Boarder Health Institute) area TIF which is the area surrounding R.E. Thomason General Hospital and Texas Tech Medical Center. He added that TIF No. 3 coincides with the existing Enterprise District located from the downtown area up to the northwest warehousing area off of Artcraft Road.

Representative Cook suggested discussing the Ordinance creating the tax increment financing districts simultaneously and voting on them separately.

Ms. Diana Nunez, Administrative Assistant, read the Ordinance creating Tax Increment District No. 3 into the record.

Representative Sumrall made a motion to move the Ordinance regarding Tax Increment District No. 3 forward. Representative Cook stated that it was not necessary; however, as long as the Ordinance creating the Tax Increment District No. 3 was read into the record.

Mayor Caballero interjected that a separate vote would be taken for the items.

Ms. Sylvia Borunda-Firth, Assistant City Attorney, stated that this would be a public hearing before the adoption of the two Ordinances creating the Tax Increment Districts. She explained the time frame regarding the two Ordinances and stated that she and other organizations have met and discussed the Ordinances in great detail. She further stated the newspaper has printed the ad for the public hearing; therefore, the public is well apprised of these proceedings. She explained that Ms. Patricia Adatao, Director of Planning, would present the information regarding blight analysis; Mr. Norman Gordon, attorney, and Mr. Steven Adams, First Southwest, would provide information regarding the preliminary financing plan. She stated that following these presentations the public would have the opportunity to make comments.

Representative Sariñana questioned whether Ms. Borunda-Firth had notified the property owners regarding the TIF Districts. He stated that many property owners have telephoned his office with many questions and complaints.

Ms. Borunda-Firth stated that individual notices were not mailed as there would have been over 10,000 mailings. She further stated it was decided that the newspaper notification would suffice.

Ms. Adatao presented Council Members with information regarding the blight analysis report. She enumerated the statutory requirements that the Planning Department was asked to quantify before a TIF District is designated.

She briefly discussed the Tax Increment Financing and explained that the purpose of TIF is to promote new development and redevelopment and to stimulate private investment with public infrastructure. She stated the idea of the TIF is to improve the tax base and to reverse the conditions of blight, and that the TIF is a special funding account whereas the tax increment above a base-year evaluation is maintained.

Ms. Adatao fielded comments and questions from Representatives Cook, Power, Sariñana, Cobos,

Dr. Gordon McGee, Chairman of the Border Health Institute, named the members of the Board for Council Member's information. He requested that Council Members favorably consider the TIF Districts as it is his hope to create a Health Science Center for the El Paso Community.

Dr. Jose Manuel De La Rosa, Regional Dean at Texas Tech University Health Sciences Center in El Paso, remarked that he considers creating the TIF District a matter of medical emergency.

Representative Power asked questions which were explained by Dr. De La Rosa.

Representative Medina made remarks regarding utilizing other financial resources in conjunction with the TIF.

Mr. Norman Gordon, Bond Counsel for the City of El Paso, explained that the Ordinance(s) must be approved in base year 2001 in order to avoid the loss of funding.

Representative Sumrall commented on the northwest industrial area and the issue of vacant properties considered as blighted areas.

Mr. Gordon referred Representative Sumrall to the report prepared by Ms. Adauto and made remarks regarding the total appraised value that did not include exemptions. He stated that Council must make a finding regarding the issue of substantial blight in the area; if Council, however, does not find that there is blight in the area, then it cannot be done.

Representative Power raised several concerns regarding TIF District No. 3. He did state that he was in support of TIF District No. 2.

Representative Escobar was concerned that large commercial property owners were not given notice and that their concerns were not met. He said he does support TIF District No. 2; however, he stated that he does have concerns regarding TIF District No. 3.

Representative Cobos spoke in regards to the Board Members who would be appointed to this Board and moved to approve TIF District No. 2 amending Section 9.1 to allow each City Council representative to appoint one member, to be approved by City Council, and moved to deny TIF District No. 3. Representative Sumrall seconded.

Representative Cook pointed out that public comments should be allowed prior to a vote and also to make a motion to close the public hearings.

Representative Medina stated that instead of denying TIF District No. 3 his motion would be to postpone the item with the option to instruct City staff to rework the boundaries of this TIF District.

Mayor Caballero asked Mr. Gordon whether the boundaries of TIF District No. 3 could be amended and how would this action take place.

Mr. Gordon responded that he believed that the boundaries could be amended; however, he asked that City staff have the opportunity to verify that the ratios are valid. He stated his concerns with the residential and non-residential percentages.

Mayor Caballero wondered how far north would the boundary have to be in order that the residential component be kept at 10% or under and how long would it take to acquire this information.

Representative Cook suggested that Ms. Adauto eliminate the area east of I-10 and north of Country Club, which would include the northwest industrial park.

Representative Sumrall suggested stopping the boundary at the south side of Executive Center Blvd.

Ms. Adauto explained that it would take the Planning Department approximately one to two days to recompile the information for Council Members; however, she asked that Council Members inform her of which areas that would be removed from TIF District No. 3. She noted that the percentage of base year evaluation for the City and school districts would decrease.

Representative Sumrall asked that property above Executive Center Blvd. be removed.

Mayor Caballero asked Mr. Gordon how long after the adoption of the TIFs could the City do away with them in the event that something goes awry.

Mr. Gordon responded three days, assuming that there is no financing already in place. However, he amended his response to state it would be approximately two weeks.

Representative Cook asked Ms. Adauto when the Planning Department composes the information regarding the changing of the boundaries for TIF District No. 3, that it be done in a public forum so that landowners would be informed of the proposed boundary changes.

Representative Power stated for the record that he was in favor of the use of TIF Districts and TIF District No. 2; however, he was concerned regarding the industrial land for the use of TIF District No. 3. He asked that a plan be composed for the downtown district.

Mayor Caballero explained that a plan was compiled by a gentleman named Mr. Chris Linebarger; however, the members of the TIF Board would be the ultimate decision makers regarding this plan. In regard to the Board Members he stated that he was looking for individuals who were interested in furthering the goals of both institutions and asked that Council Members provide three names of prospective individuals; however, the individuals must own property within the TIF boundaries and must be voters in the city.

Representative Power reiterated that he wanted the individuals of the Downtown Development Association to be aggressive in this TIF District No. 3 and make a real investment in the City.

Representative Cobos amended his motion in regard to Section 9.1 to state that each City Council Member be allowed one appointee, to be approved by City Council, to bring the total amount of Board Members to 13 and to postpone TIF District No. 3 for one week, Representative Power seconded his motion. Representative Sumrall amended her previous second to Representative Cobos' previous motion.

Mayor Caballero asked Mr. Gordon whether the City could provide tax abatements to individuals/companies who own property within a TIF District. He also asked that if a TIF were not in place what type(s) of incentives could the City provide.

Mr. Gordon responded yes and stated that incentives are limited to the statutes; however, the City could provide the incentives to a prospective company in addition to development/redevelopment work to improve the district. He stated the reason that the northwest industrial park was included in TIF District No. 3 was to overlay the Enterprise Zone.

Mr. Mike Breiting, Central Business Association/Downtown Management District, thanked Council Members for their effort to revitalize the downtown area; however, the Management District Board had not met on the issue. He stated Mr. Hooten, President of the Downtown Management District, and others are

positive about the proposed TIF District. He explained that the CBA/DMD compiled the data collection and strategic planning process developed out of the Downtown partnership; however, they ran out of money.

Mayor Caballero stated that he has read the plan written by Mr. Linebarger and explained that he traveled to Albuquerque yesterday to meet with the Mayor of Albuquerque and others regarding their downtown revitalization plan. He noted that Mr. Linebarger has been involved with the Albuquerque downtown revitalization plan. He stated that the plan is working in downtown Albuquerque and that Mr. Linebarger's reputation is noteworthy.

Representative Power explained that it is not the City's responsibility to create initiatives. He stated he wanted the private sector of the City to take hold and commit to the growth of El Paso and come up with a plan that the City could approve.

Mr. Breitingner explained that the strategic analysis plan was paid for by the Downtown Management District at a cost of \$200,000.00 and that the private sector commits \$250,000.00 to the Downtown Management District for cleaning streets and working with the City on parking, transportation and other issues.

Representative Rodriguez commented on the TIF District No. 3 boundary changes.

Mr. Orlando Fonseca II, Chairman of United Taxpayers of El Paso, made comments regarding the increase of property values.

Mr. Jerry Theard, citizen, commented on the Tax Increment Financing Ordinances and the school districts not distributing the money towards the children's educations, maintenance of the school buildings, etc. He asked Council Members to reconsider the Tax Increment Financing Districts.

Mr. Anthony Safi, attorney with the law firm Mounce Green Myers Safi and Galatzan PC representing the legal counsel for the El Paso Independent School District ("EPISD"), submitted a letter from EPISD for the record. Mr. Safi introduced Mr. Dan Wever, President of the El Paso Independent School District Board of Trustees, Mr. Rosales, trustee, and several staff members. He presented Council Members with information and concerns pertaining to the school district's participation in the Tax Increment Financing Districts. He commented on the lack of notice for EPISD's participation in the TIFs and asked that Council Members allow 60 days for the construction of a contract that would exclude EPISD from the Tax Increment Financing Districts. Mr. Safi asked that a Motion excluding EPISD, pending further negotiations, be included in the language if the TIFs would be approved today.

Mayor Caballero thanked Mr. Safi for representing the school district so thoroughly and responded to Mr. Safi's comments regarding the TIFs.

Representative Cook had no objection to EPISD being excluded from the TIF at this point in time; however, if applicable, including EPISD at some later date.

Representative Sumrall stated she would be in support of negotiating with the school district(s) but that TIF District No. 2 would benefit the children/students of the community due to the quality health care that is to be provided.

Representative Medina stated that time was of the essence for the passage of these Ordinances and asked the City Attorney's Office to research whether or not EPISD would receive less than their fair share of State education funding. He stated he does not support forcing any taxing entity into the TIF Districts; however, he would like to see the entities included in the TIFs and, if applicable, they be removed at a future date.

Representative Power understood that EPISD would opt out of the TIF District and asked City staff what the financial impact would be if EPISD were removed from the equation.

Representative Sariñana asked that more negotiations be done prior to the adoption of the Ordinances.

Mr. Dan Weaver, President of the El Paso Independent School District Board of Trustees, introduced Mr. Charles Tafoya, Interim Superintendent, and Mr. Bill Goodman, Chief Financial Officer for EPISD. Mr. Weaver spoke about tax rates and asked that the public be given an opportunity to vote on a tax increase. He ended by stating that the City should not go to EPISD to fix the City's blighted areas.

Mr. Arturo Huerta, Member of the Board of Trustees for the El Paso Community College, stated that many of the college's concerns have not been addressed and that El Paso Community College was requesting that it be made exempt from the TIF Districts until such time that negotiations could be met.

Representative Sumrall stated that it was important that all taxing entities unite behind the TIF Districts. She withdrew her second and suggested that the Ordinances regarding TIF Districts No. 2 and 3 be postponed until all concerns were addressed.

Representative Cobos questioned why First Southwest advised El Paso Community College not to participate in the TIFs and noted that it might be perceived as a conflict of interest.

Mr. Steven Adams, First Southwest Company, stated that his company does represent the Community College Districts and noted that the company has not been involved in discussions and/or negotiations with the other entities. He explained how the company compiled the numbers as follows: the historical growth was applied to the tax bases within the districts and multiplied that to their current tax rate.

Mr. Stanley Jobe, Jobe Concrete Co., pointed out that his company owns property within TIF District No. 3 and that he was concerned with the lack of notice given. He stated he was concerned whether his company would remain competitive within the TIF District with the ASARCO property not in the TIF District.

Mayor Caballero asked Mr. Jobe why he thought his land would be less competitive in the TIF District.

Mr. Jobe explained that due to the tax abatements and the ability to sell bonds within TIF Districts would render this land less competitive.

Mayor Caballero stated that Mr. Jobe's concerns were valid; however, not a single property contained in a TIF District is placed less competitively than property outside the TIF.

Mr. Jobe suggested that the TIF District No. 3 boundaries be reviewed and that the item be postponed.

Representative Power commented on the lack of information and the lack of notice for the taxing entities and he moved to postpone the passage of Ordinances for TIF District No. 2 and No. 3 until after the beginning of the new year. Representative Sariñana seconded.

Representative Cook asked Representative Power to reword his motion so that each TIF District would be voted on separately.

Representative Power stated that he would not change his motion that the Ordinances be postponed for 60 days. Representative Sariñana seconded.

Representative Cook stated that the Ordinances were posted separately and should be considered separately.

Ms. Rita Rodriguez, City Attorney, clarified that the motion be made to state that the Ordinances be postponed to coincide with a City Council meeting within the 60 days or eight weeks.

Representative Cobos clarified that he had previously made a motion.

Ms. Diana Nunez, Administrative Assistant City Clerk's Office, stated that the motion was to postpone the Ordinances regarding TIF District No. 2 and No. 3 for eight weeks.

Representative Sumrall voted No on the postponement of the TIF Districts.

Representative Escobar asked if there was a motion to close the public hearing. Ms. Rodriguez stated yes.

Mr. Brady Harris, major landowner of northwest El Paso, commented on the lack of notice for the landowners. He spoke on tax abatements, TIF Districts, the issuance of bonds and remaining competitive.

Mr. Mike Shane, attorney with Krafur Gordon Mott PC representing several property owners in TIF District No. 3, was present to make comments.

Representative Medina asked Representative Power if he would change his motion to allow that the votes be taken separately on each Ordinance.

Representative Power remarked that EPISD and EPCC claim that they were not given adequate notice. He asked if the City would be in any jeopardy if the Ordinances pass the vote and then later the City becomes involved in lawsuits due to the lack of notice.

Mr. Gordon responded that the statute requires that notice be given 60 days prior to the public hearing and the City did follow the statute. He stated the City had a process server deliver the notices, signed by the Mayor, to EPISD, EPCC, County and others on October 18, 2001, giving more than 60 days notice.

Representative Power withdrew his motion and he stated that the Ordinances would be voted on separately.

Representative Escobar remarked that the time element was adequate; however, was the substantive part of the notice adequate.

Mr. Gordon noted that the substantive part of the notice required that they be given a general idea of the impact on tax revenues and growth. He stated what Mr. Safi was referring to was the "Preliminary Financing Plan" and the statute requires that this information be provided prior to the Public Hearing and the details of the Financing Plan be provided after the Ordinance(s) were adopted.

Mr. Shane spoke in favor of revitalizing downtown and the creation of the BHI; however, he was concerned that this process was not done in a legal manner. He spoke about the enterprise zone and the number of projects within the zone; however, Council may be enacting the TIF under a section of the Tax Code. He made remarks in regard to his client's reasonable opportunity to protest TIF District No. 3. He stated his concerns regarding the question of increase in value of property within TIF District No. 3 and blighted areas within TIF District No.3.

Representative Medina moved to approve the Ordinance in reference to TIF District No. 2, Representative Sumrall seconded.

Representative Cook moved to close the public hearing on TIF District No. 2, Representative Medina seconded.

Mr. Gordon explained that he had added the proposed draft findings regarding the blight issue in the draft of the Ordinance that was previously circulated. He explained the changes made within the draft of the Ordinance for TIF District No. 2 for Council Members information. He read into the record the addition of language in reference to blight for TIF District No. 2.

Representative Cook moved to accept the findings as stated by Bond counsel, Representative Sumrall seconded.

The vote was taken to accept the findings as stated by Bond counsel as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

Representative Cobos mentioned the number of Board members and he felt that this was not equal representation; furthermore, he would not support this TIF District until his recommendations were taken into consideration.

Mayor Caballero remarked that the number of Board members could always be changed at a later date.

Motion duly made by Representative Cook, seconded by Representative Sumrall, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power and Escobar

YAYS: Council Members Sariñana and Cobos Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made, seconded and unanimously carried to move to the beginning of the agenda **AN ORDINANCE CREATING TAX INCREMENT FINANCE DISTRICT NUMBER THREE (NO. 3), CITY OF EL PASO, MAKING FINDINGS OF FACT CONCERNING THE CONDITIONS OF BLIGHT, RESIDENTIAL PROPERTY AND ASSESSED VALUATION WITHIN SAID DISTRICT; CREATING A TAX INCREMENT DISTRICT BOARD OF DIRECTORS AND DEFINING THE POWERS, DUTIES AND TERMS OF OFFICE THEREOF; PROVIDING FOR SUBMISSION OF A PLAN OF IMPROVEMENTS FOR SAID DISTRICT; PROVIDING FOR DUTIES OF THE TAX ASSESSOR; SETTING THE BOUNDARIES FOR SAID DISTRICT; AND PROVIDING A SEVERABILITY CLAUSE.**

Motion made by Representative Cook, seconded by Representative Medina and carried to postpone until December 24, 2001 an Ordinance creating Tax Increment Finance District Number Three (No. 3), City of El Paso; making findings of fact concerning the conditions of blight, residential property and assessed valuation within said District; creating a Tax Increment District Board of Directors and defining the powers, duties and terms of office thereof; providing for submission of a plan of improvements for said District; providing for duties of the Tax Assessor; setting the boundaries for said District; and providing a severability clause.

Council Members Sumrall, Sariñana and Cobos voted Nay.
Council Members Rodriguez , Medina, Cook, Power, Escobar voted Aye.

A 10 minute recess was taken at this time.

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ORDINANCE 14997

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE CLASS OF TOURISM DEVELOPMENT DIRECTOR**

Representative Power asked that the title of the position be changed to "Tourism Development Coordinator".

Representative Sumrall suggested deleting the position and hire an individual on a contract basis.

Mr. Charlie McNabb, Chief Administrative Officer, explained that the Ordinance did not create a position but rather it created a job description. He explained that the Civil Service Commission approves individuals hired by the City through contract. He suggested that Council Members consult with the Civil Service Commission members prior to making a decision.

Representative Power questioned whether the Ordinance would allow for either a contract employee or a civil servant.

Ms. Terry Bond, Director of Personnel, stated that yes.

Mr. McNabb also stated that Civil Service also allows the City to retain very valuable employees and contract employees do not have the ability to utilize the Civil Service Commission.

Representative Power commented that this position would be tasked with creating tourism sites, infrastructure, etc.

Representative Sumrall asked about the salary range.

Ms. Bond responded that the duties and salary ranges have been reviewed and that this was the pay range that corresponds to that.

Motion duly made by Representative Cook, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 14998

The City Clerk read an Ordinance entitled: **AN ORDINANCE ESTABLISHING A LEASE BETWEEN THE CITY OF EL PASO AND EL PASO PATRIOTS, INC., FOR THE PREMISES KNOWN AS DUDLEYFIELD LOCATED AT 3933 FINDLEY AVENUE IN EL PASO, TEXAS.**

Representative Cook questioned whether this Ordinance included the rugby team and where would the rugby team fit into the equation.

Mr. Scott Gilliland, Architect – Zoo, stated that this Ordinance did not include the rugby team. He explained that the rugby team did not have the financial resources at this time to develop a lease or co-lease with th Zoo and Patriots.

Mr. Mitch Doblado, General Manager for the El Paso Patriots, explained that he had met with Mr. David Pearlman of the Scorpions rugby team, and others and that the Scorpions concluded that they no longer wanted to use the facility.

Representative Sariñana asked about the parking fees within the contract and the watering of the playing field. Discussion followed regarding the watering of the field. No revisions regarding the watering of the field were made as a result of the discussion.

Mr. Charles Nutter, Director of the Parks & Recreation Department, stated that the City does pay for the water meter for the field through the Parks & Recreation Department. The water meter for potable water within the stadium is paid for through the Public Works Department.

NOTE: The Ordinance was revised to delete the words "Professional Soccer".

Motion duly made by Representative Cook, seconded by Representative Sumrall, that the Ordinance be adopted, as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Several motions were made regarding the following resolution. The following motion to postpone is the motion that was in effect at the close of the meeting:

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to postpone to January 3, 2002 the Resolution approving Detailed Site Development Plan No. DP-01027, for Lot 3, Block 19, REGAL CREST UNIT 3, REPLAT B, El Paso, El Paso County, Texas (430 East Redd Road), pursuant to contract condition. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-4/sc (Commercial/special contract.) Applicant: Lowe's Home Centers, Inc. / Representative: Adam's Consulting Engineers, Inc., 6320 Copeland Road, Tyler, TX 75703.

Representative Sumrall explained that Lowe's Home Centers, Inc. has constructed a wall behind the facilities and had built the land up significantly. She noted that Lowe's has not been a good neighbor and she would abstain from voting on the Site Development Plan. Representative Sumrall then moved to deny the Resolution.

Ms. Patricia Adatao, Director of Planning, gave Council Members information regarding the history surrounding this particular Lowe's facility. The DCC (Development Coordinating Committee) and the CPC (City Plan Commission) recommended unanimously the approval of this Detailed Site Development Plan No. DP-01027. She pointed out that there is no provision in the Code in regard to offsetting the grade of the site.

Representative Sumrall asked Mr. Terry Williams, Deputy Director of Building Services, questions surrounding the concrete retaining wall and the building up of the property.

Mr. Williams responded that the concrete retaining wall was approximately 20 feet high and he noted that a violation was detected. He stated the violation was regarding the deletion of a rockwall, a solid screening wall, and the replacement with chain link fencing with barbed wire on the top and black mesh as the screening. He stated that Lowe's has agreed to replace the chain link fencing with precast concrete units. He explained that Lowe's built up the rear portion of the property so that the drainage and grading of the property would be fairly level.

The motion made by Representative Sumrall above was seconded by Representative Cobos and the vote was as follows: Representative Sumrall, Representative Medina and Representative Cobos voted Aye. Representative Rodriguez, Representative Cook, Representative Power, Representative Escobar and Representative Sariñana voted Nay. Motion to deny did not pass.

Motion made by Representative Sariñana, seconded by Representative Escobar and carried to approve the Resolution approving Detailed Site Development Plan No. DP-01027, for Lot 3, Block 19, REGAL CREST UNIT 3, REPLAT B, El Paso, El Paso County, Texas (430 East Redd Road), pursuant to contract condition.

Representative Sumrall, Representative Medina and Representative Cobos voted Nay.

This item was brought back for discussion later in the meeting. Ms. Rita Rodriguez, City Attorney, stated that Council Members should move to reconsider the item.

Motion made by Representative Cook, seconded by Representative Sumrall and carried to reconsider the Resolution approving Detailed Site Development Plan No. DP-01027, for Lot 3, Block 19, REGAL CREST UNIT 3, REPLAT B, El Paso, El Paso County, Texas (430 East Redd Road), pursuant to contract condition. Representative Sariñana voted Nay.

Mr. Neal Rims, 905 Springfire, brought copies of photos regarding his property for Council Members to review. He asked that when Council Members approve the Resolution, that landscaping be placed to block the view of the concrete wall and make the area more aesthetically appealing.

Representative Cook questioned who owned the 35 feet in-between the Lowe's and the neighbors.

Mr. Williams responded that Lowe's owns the property; however, a portion of the property is an electrical easement. He suggested that Council Members word the language to include oleanders and Mondale pines as these types of landscape materials stay green year round.

Representative Sumrall asked Lowe's to change the position of the lights so that they do not shine into the neighbor's houses. Mr. Williams explained that adjustments to the lighting have been corrected.

Several comments were made regarding the site.
Ms. Rodriguez, City Attorney, asked Council Members to postpone the item one week.

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RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. DP-01028 FOR A PORTION OF LOT 1, BLOCK 113A, EASTWOOD HEIGHTS UNIT V, REPLAT B, EL PASO, EL PASO COUNTY, TEXAS (10440 MONTWOOD DRIVE), PURSUANT TO A CONTRACT CONDITION.

WHEREAS, **Alltel Communications** (the "Applicant") has applied for approval of a detailed site development plan pursuant to a contract condition, to permit the construction and addition of a 50-foot (50') monopole and equipment shelter for a cellular antenna facility; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to Section 20.04.150 of the El Paso Municipal Code, the City Council hereby approves the detailed site development plan submitted by the Applicant to permit the construction and addition of a 50-foot (50') monopole and equipment shelter for a cellular antenna facility on the following described property, which is located in a C-1/sc (Commercial/special contract) District:

A portion of Lot 1, Block 113A, EASTWOOD HEIGHTS UNIT V, REPLAT B, El Paso, El Paso County, Texas, and municipally known and numbered as 10440 Montwood Drive.

A copy of the approved detailed site development plan signed by the Applicant, the Mayor and the Secretary of the City Plan Commission, is attached hereto as Exhibit "A" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-1/sc (Commercial/special contract)** District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-1/sc (Commercial/special contract)** District regulations. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Representative Power asked Ms. Patricia Aauto, Director of Planning, whether there were any objections to the Site Development Plan.

Ms. Pat Aauto, Planning Director, explained the Site Development Plan for Council Members' information. She spoke of the addition of a 50 foot mono-pole with an equipment shelter to house a cellular antenna facility. She stated that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended in favor. She stated due to a contract on the property the company had to submit a site plan review and the company has met the Code.

Ms. Rita Rodriguez, City Attorney, commented on regulations regarding cellular towers.

Motion made by Representative Power, seconded by Representative Sumrall to deny Detailed Site Development Plan No. DP-01028.

Representative Sumrall, Representative Medina and Representative Power voted Aye.

Representative Rodriguez, Representative Cook, Representative Escobar, Representative Sariñana and Representative Cobos voted Nay. Motion to deny did not pass.

Motion made by Representative Sariñana, seconded by Representative Cook and carried to approve the above Resolution.

Representative Sumrall, Representative Medina and Representative Power voted Nay.
Representative Rodriguez, Representative Cook, Representative Escobar, Representative Sariñana and Representative Cobos voted Aye. Motion passed 5 in favor and 3 opposed..

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*Motion made, seconded and unanimously carried to delete the public hearing to determine if the Council Resolution of October 23, 2001, for the property located at 3102 E. San Antonio, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owner of this property, Rosario C. Olivas, 737 Feliz Place, El Paso, Texas 79905-5120, has been notified of the violations at this property.
.....

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to delete (discussion and action on) the Resolution authorizing the Mayor to direct Legal Department to initiate a law suit to contest the County's right to collect Hotel-Motel tax revenue in El Paso County as requested by Representative Power.

Mr. Arthur Ward, citizen, stated that he would like the item to be moved forward due to the size of the Agenda today; however, he would be patient until the item came up in order of the Agenda.

Representative Power asked that no action be taken on the item.

.....
*Motion made, seconded and unanimously carried to postpone to December 24, 2001 the discussion and action regarding bike lane on Piedras St. that has affected parking for patrons of small businesses along Piedras. (Antonio Castro)
.....

Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to authorize the Planning, Research & Development Department to initiate an application for a special permit for off-site, off street parking at the Acosta Center on Delta Drive to fulfill parking requirements for the new Washington Park Senior Citizens Center and Indoor Pool. The request is to reassign 10 parking spaces from the existing Acosta Center to the new facility.
.....

No action was taken on the discussion on accepting petitions to call for an election to determine if the City of El Paso shall rollback the tax rate. (Orlando R. Fonseca II, Chairman, United Taxpayers of El Paso)

Mr. Orlando Fonseca II asked that he be allowed to turn in the tax rollback petitions on December 24, 2001, to fulfill the 90 days since the adoption of the tax rate, and to whom he would turn the petitions in to.

Ms. Rita Rodriguez, City Attorney, noted that the 90th day would be December 24th.

Mr. Charlie McNabb, Chief Administrative Officer, explained that the City Attorney's office calculated the 90th day to be December 24th; however, if there might be an error the responsibility falls to the citizen's group to confirm that opinion with their own legal counsel.

Ms. Rodriguez noted that the petitions must be verified and a City Council finding within 20 calendar days and that this must be conducted during a meeting. She stated Mr. Fonseca should turn in his petitions to the office of the City Clerk. She stated that it would be noted how many pages were received by the office of the City Clerk.

Mr. Fonseca stated for the record that UTEP was verifying all the information within the petitions prior to the petitions being turned in. UTEP was also numbering and photocopying each petition to avoid any confusion.

Representative Medina disagreed with Mr. Fonseca's stance regarding the tax rollback petition; however, he thanked Mr. Fonseca for not making derogatory comments in the newspapers and the radio.

.....
Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to direct City staff to draft an Ordinance to impose licensed construction trades craftsmen and apprentices to wear proper identification on their outer clothing during working hours. (Hector F. Arellano, President, El Paso Building and Construction Trades Council)

Mr. Hector Arellano, President of the El Paso Building and Construction Trades and Business Manager for the Electrical Workers Union, Local 583, asked Council Members to protect the electrical, plumbers, sheet metal workers and other trade workers from unlicensed craftsman. He asked that the City amend the Ordinance to require all craftsmen, within the building trades, to wear their identification while on the job. He noted that the El Paso Community College was conducting training, through the U. S. Department of Labor Apprenticeship programs, and that the Community College prepared identification badges for all individuals enrolled in these programs. He described these badges for Council Members information.

Representative Sumrall commented on the City's purchase of a camera for the badges and she was under the impression that the craftsmen were displaying their badges while on the job.

Mr. Arellano explained that he was also under the same impression; however, it had been brought to his attention that the photo identifications were not being processed.

Representative Medina questioned why the photo identifications were not being processed.

Mr. Terry Williams, Deputy Director of Building Services, explained that, in his opinion, this was an unnecessary procedure. He explained that City Council had instructed the Building Services Department to issue badges; however, there was no directive that badges had to be worn in a specific manner. He noted that the software for processing the badges has been received and that the licenses for electricians have been processed. He explained that safety issues have been raised; however, it is his opinion that this is a problem with enforcement.

Representative Sumrall explained that the purpose of this discussion is to find individuals who were unlicensed and possibly an undocumented worker looking for work.

Mr. Williams explained that the Ordinance requires that for every journeyman, two unlicensed workers may be permitted on a jobsite.

Representative Cook noted that if the unlicensed individuals do not have an individual with an identification badge in the vicinity, these individuals would be in violation. He stated that he would, in the future, ask the City to issue licenses for all construction trades, even those already licensed by the State of Texas. He agrees with Mr. Arellano as to identifying which individuals are permitted to work on the jobsites.

Mr. Williams asked for clarity as to what Council Members are requesting. He noted that apprentices were registered; however, not licensed.

Representative Cook asked if the City could require the apprentices to wear identification badges.

Mr. Williams stated that an amendment would need to be made to the Ordinance.

Representative Power questioned whether the City could enforce the wearing of licenses or badges issued by the State.

Mayor Raymond C. Caballero suggested that a motion be made which stated individuals who were licensed by the City of El Paso be required to wear exterior identification to include apprentices, journeymen, etc.

Mr. Williams stated that under State law individuals must carry their licenses with them and that the City is authorized to enforce this action.

Mayor Caballero suggested that the identification badges issued by the City be displayed and those licenses issued by the State must be displayed, as well.

Representative Cook moved to direct City staff to draw up an Ordinance that would require licensed tradesmen to wear proper identification on their outer clothing during working hours. Representative Sumrall seconded.

Mr. Charlie McNabb, Chief Administrative Officer, explained that he had already directed City Attorney's office to prepare an Ordinance requiring the electricians to wear their licenses; however, Mr. Williams had asked to speak to the Mayor and/or Legislative Review Committee prior to the introduction of the Ordinance. Regarding the other tradesman, he suggested that the City Attorney's office review this.

Mr. Arellano stated that all individuals who were licensed should be wearing the license. He went on to say he was asking Council to amend the Ordinance or create a new Ordinance that states that the individual must have the license visibly displayed on their clothing. He also asked that the identification badges show the proper licensing from each craft, the identification badges be visible on the outer clothing and allow the apprentices to wear the identification badge for apprentices in a visible manner.

Representative Sumrall asked what form the State licenses come in such as an identification card or a certificate of some type.

Mr. Arellano explained that the identification card was approximately the same size as a credit card.

Mr. Williams asked Representative Cook to amend his motion to add the word "construction" before the word "trades".

Mr. Johnny Kilgore, El Paso Community College apprenticeship program, displayed a sample tag for those students enrolled in the apprenticeship program. He explained that the identification cards were produced at a cost of \$5.00 and that the apprenticeship program would be happy to distribute any identification card on behalf of the City.

Mr. Oscar Gutierrez, electrician, commented on the lack of authority regarding the licenses. He stated that in his 14 years of being a licensed electrician he had only been asked to produce his license on one occasion. He also commented on the contractors using unlicensed employees.

Representative Cook stated that he would add the requirement regarding apprentices wearing their identification badges as well to his Motion.

Representative Cook stated that he would add the requirement regarding apprentices wearing their identification badges as well to his Motion.

Mr. McNabb stated that the Ordinance regarding the electricians could be placed on the Agenda for next week; however, the research regarding the other crafts may take some time.

Representative Sumrall asked whether the Ordinance regarding the other crafts might be discussed within 30 days. There was no response to her request.

.....
Motion made by Representative Sumrall, seconded by Representative Rodriguez and unanimously carried that the Director of Purchasing be authorized to terminate Contract No. 2001-285-C3 with Safeguard Medical Supply Co., for Medical Supplies, Items #3 & #40 for default pursuant to Clause No. 18B of the Contract, an item titled Termination for Default, whereby the City reserved the right to terminate the Contract for default.

The user Department was notified & a new solicitation will be issued.

Department: El Paso Fire Department

.....
Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to reject Bid No. 2002-049 Steering Components and Related Parts as recommended by Purchasing and the Equipment Maintenance Department.

This requirement will be reviewed by the user department, a new solicitation will be issued at a later time.

.....
Motion made by Representative Escobar, seconded by Representative Rodriguez and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 14 (Aircraft and Airports), Chapter 14.24 (Airline Rates and Charges) of the El Paso Municipal Code by amending Appendix 1 to set forth New Cost Recovery Rates for Fiscal Year 2002. The Penalty as provided in Chapter 1.08 of the El Paso Municipal Code.
- B. An Ordinance amending Ordinance No. 014836, which formally established the Development Coordinating Committee ("DCC"), to add governmental and community representatives to serve as advisory members upon invitation of the DCC.
- C. An Ordinance granting a Special Privilege to the Central Business Association of El Paso, Inc., to permit temporary sidewalk vending for participating merchants within certain public rights-of-way in Downtown El Paso from January 4, 2002 through June 30, 2002. (Fee: \$37.50 per location, SP-01023)
- D. An Ordinance authorizing the Mayor to sign a Deed Without Warranty conveying to Vistacon, Inc., the abutting property owner a parcel of land owned by the City and consisting of 17,659 square feet, being a portion of Lots 1 through 3, Kessler Industrial District #1, El Paso, El Paso County, Texas and addressed as 1161 Kessler Drive near the intersection of Kessler and Yermoland Drives in East El Paso.
- E. That Ordinance No. 8064, the Classification and Compensation Plan, shall be amended as follows: As recommended by the Civil Service Commission, the class of **CURATOR OF MUSEUMS** is hereby revised to change the title to **ART MUSEUM CURATOR** in accordance

with the duties and responsibilities attached hereto. The Code will remain **5125**. The Grade will remain **EX-J**.

- F. That Ordinance No. 8064, the Classification and Compensation Plan, shall be amended as follows: As recommended by the Civil Service Commission, the class of **MUSEUM EDUCATION CURATOR** in accordance with the duties and responsibilities attached hereto. The Code will remain **5123**. The Grade will remain **PM 77**.
- G. That Ordinance No. 8064, the Classification and Compensation Plan, shall be amended as follows: As recommended by the Civil Service Commission, the class of **ART MUSEUM ASSISTANT CURATOR** in accordance with the duties and responsibilities attached hereto. The Code will remain **5121**. The Grade will remain **PM 70**.
- H. An Ordinance relating to electric franchise fee payments as calculated and paid under Texas Utility Code § 38.008 for existing franchisees; containing findings and other provisions relating to the foregoing subject; providing an effective date; and declaring an emergency.

PUBLIC HEARING TO BE HELD ON JANUARY 3, 2002 FOR ITEMS A – H

- I. An Ordinance providing for the issuance of City of El Paso, Texas, Water and Sewer Revenue Bonds, Series 2002, in the aggregate principal amount of \$7,520,000, for the purpose of improving and extending the City's water and sewer system and paying the costs related to the issuance of the Bonds; and enacting provisions incident and related to the subject and purposes of this Ordinance.

PUBLIC HEARING TO BE HELD ON JANUARY 8, 2002 FOR ITEM I

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the grant applications and related documents for the certified grants from the Rio Grande Council of Governments for grants in the amounts of \$25,000.00, \$35,000.00, \$50,000.00, and \$192,000.00, to address the need of additional transfer stations to better manage the growth of the community needs on solid waste; continue the process of encouraging the public to become environmentally aware, to help determine the feasibility of establishing curbside recycling for all residential areas, and to establish a more appropriate method of collecting, transporting, and disposing of household hazardous waste. The In-Kind Services required for these grants are \$2,500.00, \$3,000.00, \$1,5000.00 and \$6,600.00, respectively.

.....

***RESOLUTION**

A RESOLUTION REQUESTING INCREASED FUNDING FROM THE TEXAS WATER DEVELOPMENT BOARD FOR THE FAR WEST TEXAS REGION E PLANNING GROUP AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Water Development Board (TWDB) has proposed a funding distribution for the second round of regional water planning as mandated by Senate Bill 1 (1999) as amended by Senate Bill 2 (2001); and,

WHEREAS, the funding levels were determined using funding formulas based on the number of Water User Groups (WUGs) and not on demonstrated need from recently completed planning; and,

WHEREAS, the use of these funding formulas severely penalizes Region E because of its relatively small number of WUGs despite the fact that the Region's largest city, El Paso, has significant water needs as a bi-national, bi-state city; and,

WHEREAS, the proposed allocation of funds of \$337,865 out of a total of \$12,000,000 is totally disproportionate to an area that receives limited rainfall and has declining groundwater resources; and,

WHEREAS, the allocation of funds favors areas that receive abundant rainfall and have abundant water resources; and,

WHEREAS, with the exception of the Hueco Bolson, all aquifers on which Region E relies are designated as "minor aquifers", and there are not enough Groundwater Availability Models (GAMs) completed to use during the second round of regional water planning; and,

WHEREAS, based on the TWDB's criteria and budget, and Region E's special needs, there is a dire need for more funding than proposed by the TWDB:

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the City of El Paso, Texas:

Section 1. That the findings and recitations set out in the preambles to this resolution are found to be true and correct and they are hereby adopted by the CITY COUNCIL of the City of El Paso, Texas and made a part of this Resolution for all purposes.

Section 2. The City Council of the City of El Paso, Texas, formally requests the Texas Water Development Board to re-evaluate the proposed funding for Region E, taking in all of Region E's unique problems and characteristics, and to increase the proposed amount designated to Region E to a minimum of \$750,000.

Section 3. That a true, correct and complete copy of this Resolution shall be transmitted to the Texas Water Development Board.

Section 4. This resolution shall become effective from and after its adoption, as allowed by law.

PASSED AND APPROVED at regular meeting of the City Council of the City of El Paso Texas, this 18th day of December, 2001, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001 et. seq.

.....

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL GOVERNMENTAL AGREEMENT BETWEEN THE CITY AND EL PASO COUNTY FOR THE CONSTRUCTION OF AN ANIMAL CONTROL FACILITY FOR THE EL PASO CITY-COUNTY HEALTH AND ENVIRONMENTAL DISTRICT.

Whereas, the City and the County established a public health district known as the El Paso City County Health and Environmental District in accordance with Texas Health & Safety Code Section 121.041 and entered into a Cooperative Agreement for its operation pursuant to Texas Health and Safety Code Section 121.044; and

Whereas, the City and the County have determined that the District is in need of a new Animal Control Facility to enhance the efficient performance of its duties; and

Whereas, Texas Government Code, Chapter 791, authorizes local governments of the state to enter into contracts for governmental functions and services to increase their efficiency and effectiveness; and

Whereas, the City and the County each find that a mutual effort in the construction of a new Animal Control Facility is in the best interest of the City, the County and the public;**NOW THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, THAT:

The Mayor is hereby authorized to sign an Interlocal Governmental Agreement between the City and El Paso County providing for the construction of an animal control facility for the El Paso City-County Health and Environmental District.

Representative Power explained that the City would be entering into an Interlocal Governmental Agreement with the County and hoped that the County would live up to their end of the bargain. He made comments on finding a site soon.

Mr. Ed Drusina, Director of Public Works, stated that the City was still considering different site locations.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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*Motion made, seconded and unanimously carried to appoint Joe Dorgan to the Union Plaza Board of Appeals by Representative Cobos.

.....
Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to move forward the discussion and action regarding the relocation of the Don Juan De Oñate statue from Cleveland Square to the Union Pacific Depot and re-naming the statue from "Don Juan De Oñate" to "El Conquistador". (Representative Cobos); in conjunction with the Resolution that the Mayor be authorized to sign the Sixth Amendment to the XII Travelers Commission Agreement between the City of El Paso and John S. Houser to extend the completion date for the Juan de Oñate Statue to December 31, 2003.

Representative Cobos commented on moving the Don Juan de Oñate statue to the Union Pacific Depot which would draw individuals/tourists off of the freeway and towards the downtown area. He stated that the name change would pacify those individuals who are sensitive to the "Don Juan de Oñate" name.

.Representative Medina commented on the cost and funding.

Representative Cook asked whether there would be any implications regarding the name change and whether the Twelve Travelers Board would have any objection to the name change. He also asked,

regarding the location change, would it be possible to amend the contract with the architect who was placing the statue in Cleveland Square.

Ms. Rita Rodriguez, City Attorney, explained that an amendment to the contract would be necessary and it would be prudent for the City to approach the Board regarding the name change. She also stated the contract regarding the location placement might require an amendment, as well.

Representative Cobos responded to Representative Medina's comments. He suggested that the statue be placed in an area where the tourists would be able to see the statue from the freeway.

Representative Sumrall stated she had questions pertaining to the Union Depot property such as environmental issues, purchasing the property, etc. She went on to say she would like to see the name changed; however, she had concerns regarding individuals who had donated monies to the "Don Juan de Oñate" statue.

Representative Cook moved to direct City staff to come to City Council by January 29, 2002 to consider the name change, location, legal issues, cost, as well as the contract with the architect. Representative Sumrall seconded.

Representative Sariñana questioned the extension of Mr. Houser's contract and Mr. Houser's obligation to fulfill the contract.

Ms. Rodriguez responded that she had prepared a legal response and had given the response to Council Members for review.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to postpone six (6) weeks the discussion and action regarding the relocation of the Don Juan De Oñate statue from Cleveland Square to the Union Pacific Depot and re-naming the statue from "Don Juan De Oñate" to "El Conquistador". (Representative Cobos)

Representatives Rodriguez and Sariñana voted Nay.

.....
Motion made by Representative Cook and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following: (There was no second to go into Executive Session)

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

- A. Mark Telles, 01-A-006 (551.071)
- B. Roberto Nuño, 00-C-297 (551.071)
- C. Delbert Leavitt, Jr. et. al. vs. City of El Paso, No. 01-552 (551.071)
- D. Erica Fishell, 01-A-005 (551.071)
- E. Socorro Independent School District (SISD), 01-C-263 (551.071)
- F. Karla Korrodi de Fuentes, 01-C-202 (551.071)
- G. Arthur Anderson, 01-C-304 (551.071)
- H. Ernesto Bautista, 01-C-125 (551.071)
- I. Jose M. Ledee v. Civil Service Commission of the City of El Paso, Cause No. 98-3097, Our File No. 98-S-53 (551.071)

- J. Texas Department of Transportation offer to sell its facility at 212 North Clark Street, El Paso, Texas. (551.072)
- K. Roy P. Williams, 94-C-073 (551.071)
- L. Martha Alaniz, 01-C-298 (551.071)
- M. Discussion and action on filing amicus brief in No. 01-51129. State of Texas vs. Ysleta Del Sur Pueblo, Et Al., Appellants.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows: Representatives Power and Sariñana were not present for the executive session votes.

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Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to postpone to January 3, 2002 the discussion and action on Mark Telles, 01-A-006

.....
Motion made by Representative Medina, seconded by Representative Sumrall and carried that the claim entitled **ROBERTO NUÑO**; Our File No. 00-C-297 be **DENIED** as recommended by the City Attorney.

.....
Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED TO PURSUE COSTS** in the lawsuit entitled **DELBERT LEAVITT, JR., et al. vs. CITY OF EL PASO**, Docket No. 01-552; Our File No. 99-S-18, as recommended by the City Attorney.

.....
Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to postpone to January 3, 2002 the discussion and action on Erica Fishell, 01-A-005

.....
Motion made by Representative Medina, seconded by Representative Sumrall and carried that claim entitled **SOCORRO INDEPENDENT SCHOOL DISTRICT (SISD)**; Our File No. 01-C-263 be **SETTLED** as recommended by the City Attorney.

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Motion made by Representative Medina, seconded by Representative Sumrall and carried that the claim entitled **KARLA KORRODI DE FUENTES**; Our File No. 01-C-202 be **DENIED** as recommended by the City Attorney.

.....
Motion made by Representative Medina, seconded by Representative Sumrall and carried that claim entitled **ARTHUR ANDERSON**; Our File No. 01-C-304 be **DENIED** as recommended by the City Attorney.

.....
Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to postpone to January 3, 2002 the discussion and action on Ernesto Bautista, 01-C-125

.....
Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **JOSE M. LEDEE V. CIVIL SERVICE COMMISSION OF THE CITY OF EL PASO**, Cause No. 98-3097, Our File No. 98-S-53; as recommended by the City Attorney.

.....
Motion made by Representative Medina, seconded by Representative Sumrall and carried that the Mayor is authorized to sign a letter offer to the Texas Department of Transportation expressing a willingness on the part of the City of El Paso to purchase the District Headquarters Site in El Paso for its appraised value of \$3,600,000.00. The Mayor is authorized to sign a Contract of Sale for the same.

.....
Motion made by Representative Medina, seconded by Representative Cook and carried that claim entitled **ROY P. WILLIAMS**; Our File No. 94-C-073 be **AUTHORIZED PAYMENT** as recommended by the City Attorney.

.....
Motion made by Representative Medina, seconded by Representative Cook and carried that claim entitled **MARTHA ALANIZ; Our File No. 01-C-293** be **SETTLED** as recommended by the City Attorney.

.....
Motion made by Representative Medina, seconded by Representative Cook and carried that the **CITY OF EL PASO BE AUTHORIZED TO FILE AN AMICUS BRIEF IN NO. 01-51129, STATE OF TEXAS VS. YSLETA DEL SUR PUEBLO, ET AL., APPELANTS**; as recommended by the City Attorney.

.....
Ms. Carole Hunter, City Clerk, noted that Motions postponed for two weeks would read "January 3, 2002".

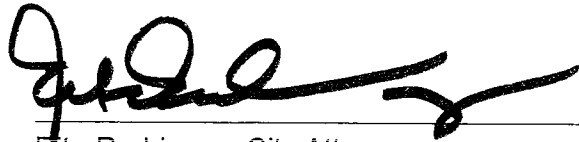
.....
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn this meeting.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Carole Hunter, City Clerk



Rita Rodriguez, City Attorney